

HOFLAND & TOMSHECK

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

VERNELL MARSHALL,

Defendant.

Case No.: 2:18-cr-00276-JAD-EJY

Stipulation and Order to Continue
Sentencing
(Third Request)

IT IS HEREBY STIPULATED AND AGREED, by and between JASON M. FRIERSON, United States Attorney, and BRIAN WHANG, ESQ., Assistant United States Attorney, counsel for the United States of America, and JOSHUA TOMSHECK, ESQ., counsel for Defendant VERNELL MARSHALL, that the Sentencing and Disposition currently scheduled for March 31, 2023 at 2:00 p.m. be continued for thirty (30) days to a date convenient for the Court, preferably a Friday.

This stipulation is entered into for the following reasons:

1. This is the third Sentencing and Disposition continuance request.
2. Counsel for Defendant is currently in a multi-Defendant Federal Trial before Judge Gloria Navarro which commenced on March 20, 2023 and is expected to last for 4-6 weeks, with no sessions on Fridays. Therefore, counsel would be available on any Friday setting during that time period.

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3. Counsel for Defendant is also currently set to begin an in-custody Jury Trial on a re-trial double murder case from a previous capital verdict in Case No. 06C224572-3 with a firm setting commencing on May 1, 2023.
4. The parties agree to the continuance.
5. The defendant is in custody and does not object to this continuance. In fact he requested the sentencing be moved because he has been having health problems recently.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. For the above stated reasons, the parties agree that a continuance of the Sentencing and Disposition would best serve the ends of justice in this case.

DATED this 27th day of March, 2023.

Respectfully submitted,

HOFLAND & TOMSHECK

JASON M. FRIERSON
United States Attorney

/s/ Joshua Tomsheck
JOSHUA TOMSHECK, ESQ.
Counsel for Defendant
VERNELL MARSHALL

/s/ Brian Whang
BRIAN WHANG, ESQ.
Assistant United States Attorney

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FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is the third Sentencing and Disposition continuance request.
2. Counsel for Defendant is currently in a multi-Defendant Federal Trial before Judge Gloria Navarro which commenced on March 20, 2023 and is expected to last for 4-6 weeks, with no sessions on Fridays. Therefore, counsel would be available on any Friday setting during that time period.
3. Counsel for Defendant is also currently set to begin an in-custody Jury Trial on a re-trial double murder case from a previous capital verdict in Case No. 06C224572-3 with a firm setting commencing on May 1, 2023.
4. The parties agree to the continuance.

1 5. The defendant is in custody and does not object to this continuance. In fact he
2 requested the sentencing be moved because he has been having health problems
3 recently.

4 6. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice.
6

7 7. For the above stated reasons, the parties agree that a continuance of the Sentencing
8 and Disposition would best serve the ends of justice in this case.
9

10 ORDER

11 IT IS HEREBY ORDERED, that Sentencing and Disposition currently scheduled for
12 March 31, 2023 at 2:00 p.m. be continued to May 5, at 11:00 a.m.
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15 DATED this 28th day of March, 2023.
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17 
18 UNITED STATES DISTRICT JUDGE
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20 Respectfully Submitted By:

21 /s/ Joshua Tomsheck

22 Joshua Tomsheck, Esq.
23 Nevada Bar No. 009210
24 Attorney for Defendant
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